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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ) Attorney Docket No. 56162.000337  
Michael J. Graziano ) Confirmation No. 3794  
Application Number: 10/050,129 ) TC/A.U.: 2637  
Filed: January 18, 2002 ) Examiner: Young Toi Tse  
 ) Customer No. 21967

For: METHOD AND SYSTEM FOR DETERMINING DATA  
RATE USING SUB-BAND CAPACITY

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment dated December 20, 2005,  
please amend the above-identified patent application as follows:

**Amendments to the Drawings** are reflected in Appendix A and identified as "Replacement  
Drawings".